

## **Limits on the Use of a Power of Attorney**

### **By Rudy Wartella**

A power of attorney is a legal document that allows you to give another person the power to act on your behalf. There are some limitations on powers of attorney --even general powers of attorney.

A power of attorney cannot be used to draft a new power of attorney. This issue comes up a lot when a military spouse wants to use a power of attorney to prepare another power of attorney to let a friend borrow the sponsor's motor vehicle. Since only the "sponsor" can own a SOFA-plated vehicle in Japan, only the sponsor can give the required written permission or power of attorney to let someone operate it.

A power of attorney cannot be used to sign someone's Last Will and Testament. Unless it has specific language that authorizes it to be "durable," the power of attorney may become invalid in the event of the grantor's incapacity. All powers of attorney expire on the grantor's death.

Some deploying Soldiers prepare powers of attorney using legal document preparation software or online forms that are inadequate or cannot do what they want to do. Of course, this is not discovered until the power of attorney has been refused or until the Soldier is already deployed. For example, companies who handle real estate transactions often require special language in a power of attorney that deals with the purchase or sale of real estate, and even the language of a general power of attorney is not enough. Since businesses are not required to accept powers of attorney, you should make sure that the power of attorney will be accepted by the entity where it will be used.

Anyone who wants to prepare a power of attorney should speak to a legal professional before doing so. Army regulations require that the grantor be either counseled by an attorney or read an information paper signed by an attorney before a General Power of Attorney can be prepared. To have a power of attorney prepared, or for more information about powers of attorney, please visit the Torii Station Legal Assistance Office in Room 219 of Building 218 (across the street from the Torii Post Office). To speak to a legal assistance attorney, or to make an appointment, please call 644-4332. May, 2012.